

# Notice of Allowability

Application No.

10/622,788

Examiner

Nikita Wells

Applicant(s)

PINSKY, JOEL

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to "Amendment under 37 C.F.R. 1.112" received 28 August 2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Nikita Wells  
Primary Examiner  
Art Unit: 2881

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1-20 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The Applicant amended claims 1-3, 8-11, 13-14, and 19-20, and presented arguments in favor of allowance of the amended claims according to the "Amendment under 37 C.F.R. §1.112" received August 28, 2006. With respect to the amended independent claims 1, 8, and 14, the Applicant demonstrated to the Examiner's satisfaction that the 35 U.S.C. §103(a) rejections over the references of Hylton et al. (4,806,770), C.H. Ritter (4,888,487), Lackey et al. (4,973,847), and Foster et al. (5,023,460), are no longer applicable to the Applicant's invention.

With respect to the independent claim 1, Hylton et al., C.H. Ritter, Lackey et al., Foster et al., as well as any other prior art, fail to disclose, in combination with other recited features of the claim limitations, a sanitizing apparatus, comprising: a body for accepting at least one item to be sanitized, the body containing at least one germicidal lamp; a removable cap, removably attached to the body, and a cutoff switch provided within the body of the sanitizing apparatus such that when the removable cap is removed the germicidal lamp is extinguished, wherein the cutoff switch is located within the body of the sanitizing apparatus such that the cutoff switch cannot be activated by a user when the removable cap is removed.

With respect to the independent claim 8, Hylton et al., C.H. Ritter, Lackey et al., Foster et al., as well as any other prior art, fail to disclose, in combination with other recited features of the claim limitations, a sanitizing apparatus, comprising: a body for accepting at least one item to be sanitized, the body containing at least one germicidal lamp; a removable cap, removably attached

Art Unit: 2881

to the body, the removable cap provided with at least one orifice to accepting the item to be sanitized, a removable drip cup having a bottom portion for receiving and retaining fluids from a toothbrush removably mounted within the body of the apparatus beneath the cap; and a removable peg, slidably removable from the removable drip cup. the removable peg providing means to adjust the height of the item to be sanitized inserted into the apparatus.

With respect to the independent claim 14, Hylton et al., C.H. Ritter, Lackey et al., Foster et al., as well as any other prior art, fail to disclose, in combination with other recited features of the claim limitations, a sanitizing apparatus, comprising: a body for accepting at least one item to be sanitized, the body containing at least one germicidal lamp; a removable cap, removably attached to the body, the removable cap provided with at least one orifice to accepting the item to be sanitized, and a removable drip cup having a bottom portion for receiving and retaining fluid from a toothbrush, removably mounted within the body of the apparatus beneath the cap, such that when the cap is removed from the body of the apparatus, the removable drip cup may be removed for cleaning.

The dependent claims 2-7, 9-13, and 15-20, are allowed by virtue of their dependence upon the independent claims 1, 8, and 14, respectively.

### *Conclusion*

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2881

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached on (571) 272-2312. The central fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Nikita Wells", is positioned above the typed name and title.

Nikita Wells, Primary Examiner  
Art Unit 2881  
January 8, 2007